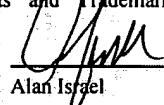




Docket No.: 18240/Mathys

## PATENT APPLICATION

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on:  
December 20, 2002  
(date)   
Alan Israel  
Reg. No. 27,564

In re: Application of : David Ian FLYNN, et al.  
Serial No. : 10/014,387 Group Art Unit:  
Filed : December 11, 2001 Examiner:  
For : FILTERED CATHODE ARC SOURCE  
DEPOSITION APPARATUS

New York, New York  
December 20, 2002

### SUPPLEMENTAL DECLARATION UNDER RULE 47(a)

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

I, Alan Israel, Esq., declare:

1. I am a patent attorney with the firm of Kirschstein, Ottinger, Israel & Schiffmiller, P.C. and am registered under No. 27,564 with the U.S. Patent and Trademark Office. I am an attorney of record in this application and submitted an earlier declaration under Rule 47(a) on July 12, 2002.

RECEIVED  
DEC 27 2002  
OFFICE OF PETITIONS

2. This application was filed on December 11, 2001 without a Declaration and Power of Attorney. There are five inventors: Xu SHI, Beng Kang TAY, David Ian FLYNN, Hong Siang TAN and Michael FULTON. This application is a continuation-in-part of U.S. Patent Application Serial No. 08/894,419, filed November 21, 1997, in which the same five inventors were named and all of whom executed the Declaration and Power of Attorney in the parent application.

3. Enclosed is a declaration signed by all the inventors, except Mr. Fulton. Mr. Fulton cannot be found or reached after diligent efforts to have him execute the Declaration and Power of Attorney.

4. Mr. Fulton is a former employee of Avimo Singapore Limited (Avimo) and was required to assign all inventions made during the course and scope of his employment to Avimo.

5. Mr. Fulton's last known residence was at 175 Jalan Loyang Besar, Singapore, 509428, Republic of Singapore.

6. On February 9, 2002, Professor Hang Siang Tan, one of the joint inventors, was unable to supply contact details for Mr. Fulton who was believed to have moved to, and is currently living, in the United States, but at an unknown address. Professor Tan suggested searching for persons of the name "Mr. Michael Fulton" on the Internet. A search was carried out on February 11, 2002. However, this found too many listings for that name in each state of the United States.

7. On February 14, 2002, Filplas Vacuum Technology PTE Ltd. (Filplas) who had since taken over as Assignee of this application, contacted Avimo by telephone and they were advised by a member of the staff that contact details for Mr. Fulton were not available. Avimo offered to try and obtain Mr. Fulton's whereabouts, but no reply was received.

8. On February 18, 2002, Filplas tried again to contact Avimo and was advised that no information regarding Mr. Fulton could be found. Avimo told Filplas to contact a person by the name of "Elsie" who was thought to know Mr. Fulton's new address.

9. As of March 12, 2002, there had been no reply to several telephone calls placed to Elsie by Filplas.

10. On March 26, 2002, Filplas again searched the Internet for a Mr. Michael Lee Fulton. However, this was again unsuccessful due to the large number of entries of this name in each state of the United States.

11. On April 2, 2002, Filplas again telephoned Avimo and asked for a message to be sent to Elsie to return their telephone calls and advise her that they were trying to reach Mr. Fulton.

12. On April 5, 2002, a staff member from Avimo informed Filplas that Elsie did not have any contact details for Mr. Fulton.

13. On April 22, 2002, after seeking out another old contact number for Mr. Fulton, Filplas was informed by a member of the staff of Avimo that Mr. Fulton had moved to the United States several years ago, but that his current whereabouts are unknown.

14. On July 12, 2002, I submitted a petition under Rule 47(a) but the Examiner dismissed the petition and ruled that items (1), (2) and (5) were missing.

15. I note that paragraph No. 5 of my earlier declaration, as well as paragraph No. 5 herein, recites the last known address of the non-signing inventor. Hence, item (5) is not lacking.

16. Enclosed is a Declaration in full compliance with 35 U.S.C. §115 and 116. Hence, item (2) has been provided.

17. Since receipt of the Decision Refusing Status, the undersigned has again tried to contact Mr. Fulton. Enclosed is a copy of a transmittal letter of October 21, 2002 sending the specification, claims, drawings and the declaration to Mr. Fulton. Also enclosed is a copy of the envelope in which said documents were enclosed. The undersigned has not received any return of the documents or the envelope.

18. The undersigned has contacted Mr. Fulton's former employer (AVIMO) by telephone, but no one was able to provide Mr. Fulton's whereabouts.

19. The undersigned has used internet search engines, such as Google, Yahoo and Optimum on-line, but found numerous listings for the name "Michael Fulton" in representative states of the United States. There are hundreds of listings, too many to call

each name. As previously noted, we have no idea whether Mr. Fulton is really in the United States, and, if so, which state he is in.

20. The undersigned has contacted the United States Postal Service to locate the whereabouts of the envelope sent to Mr. Fulton in Singapore, but the postal authorities were not helpful.

21. The record of the efforts made to reach Mr. Fulton demonstrates the diligence exerted by many people and is believed to satisfy item (1) under Rule 47(a).

22. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: December 20, 2002

\_\_\_\_\_  
Alan Israel